

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

DELBERT WHITE

VS.

CIVIL ACTION NO. 1:09CV255-NBB-DAS

WILLIAM LEE, ET AL.

REPORT AND RECOMMENDATION

This matter is before the court on Defendant City of Kosciusko, Mississippi's ("City") motion to dismiss (# 18) and the joint motion of the parties to dismiss the City (# 24). The matter has been referred to the undersigned United States Magistrate Judge for review and issuance of a report and recommendation. The City explains that during the plaintiff's deposition he informed the parties that he mistakenly named the City and agreed it should be dismissed. After considering the joint motion, the court finds it to be well taken and recommends that it be granted. The court further recommends that the City's initial motion (# 18) be denied as moot.

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to file written objections to the proposed findings, conclusions, and recommendations contained in this report in a timely manner will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415 (5th Cir. 1996).

RESPECTFULLY SUBMITTED, this the 29th day of July, 2010.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE